

The following resolution was introduced:

WHEREAS, the City of Austin taxes were assessed in the name of Mozelle W. Rogers for the years 1926, 1930, 1933-1937, inclusive, on Lot 9, Outlot 1, Division "B", Robertson Subdivision, in the City of Austin, Travis County, Texas; said taxes being for the sum of \$197.27, and for non-payment of said taxes at maturity, penalty in the sum of \$9.85 has been assessed, and interest in the sum of \$53.31, making the total amount of taxes, penalty and interest \$260.43; and

WHEREAS, the City Council of the City of Austin deems it just and equitable to remit said penalty in the sum of \$9.85, and one-half of the interest in the sum of \$26.65; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the aforesaid penalty in the sum of \$9.85, and one-half of the interest in the sum of \$26.65, are hereby remitted, and the Tax Assessor and Collector of the City of Austin is authorized and directed to charge said penalty in the sum of \$9.85 and one-half the interest in the sum of \$26.65 off his rolls and to issue to the party entitled to receive same a receipt in full on the payment of said taxes and one-half the interest, as aforesaid.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

Upon motion, seconded and carried, the meeting was recessed, subject to call of the Mayor.

Approved:

Tom Miller  
Mayor

Attest:

Hollis M. Keller  
City Clerk

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, April 6, 1939.

The City Council convened in regular session, at its regular meeting place in the City Hall, on Thursday, April 6, 1939, at 10:30 A. M., with Mayor Tom Miller presiding. Roll call showed the following members present: Chas. F. Alford, C. M. Bartholomew, Simon Gillis, Mayor Tom Miller; absent, Councilman Oswald G. Wolf.

The reading of the Minutes was dispensed with.

At the request of the American Legion, Travis Post #76, presented by J.E. McClain, action on the Vigilance Ordinance was deferred until the next regular meeting in order that certain changes suggested by said organization might be given consideration.

Councilman Gillis introduced the following resolution and moved its adoption. The motion was seconded by Councilman Alford, and was carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller; absent, Councilman Wolf.

The Mayor declared the resolution finally adopted.

The resolution is as follows:

WHEREAS, the Public Works Administration requires that all projects under its regulation be done in accordance with approved wage scales as published by the Department of Labor of the State of Texas; and

WHEREAS, in the proposed work on Docket Texas-1847-1-P-F, said Department of Labor has furnished the City of Austin with said schedule, but which said schedule did not contain certain classes of labor which will be necessary to be used in the proposed work under Docket Texas-1847-1-P-F; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the City Manager be and he is hereby authorized and directed to submit such additional schedule to the State Director of Public Works Administration, and provide all contractors and sub-contractors on said Docket Texas-1847-1-P-F with notice that such scale of wages must be complied with.

"Docket Texas-1847-1-P-F  
Electric Power Plant and  
System  
Austin, Texas

SUPPLEMENTARY WAGE SCALE

	<u>Per Hour</u>	<u>Per Day</u>
Glazier	\$ 1.00	\$ 8.00

Councilman Gillis introduced the following resolution and moved its adoption. The motion was seconded by Councilman Alford and was carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller; nays, none; Councilman Wolf absent.

The Mayor declared the resolution finally adopted.

The resolution is as follows:

WHEREAS, the Public Works Administration requires that all projects under its regulation be done in accordance with approved wage scales as published by the Department of Labor of the State of Texas; and

WHEREAS, in the proposed work on Docket Texas-1847-2-F, said Department of Labor has furnished the City of Austin with said schedule, but which said schedule did not contain certain classes of labor which will be necessary to be used in the proposed work under Docket Texas-1847-2-F; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the City Manager be and he is hereby authorized and directed to submit such additional schedule to the State Director of Public Works Administration, and provide all contractors and sub-contractors on said Docket Texas-1847-2-F with notice that such scale of wages must be complied with.

"Docket-Texas-1847-2-F  
Waterworks Improvements  
Austin, Texas.

SUPPLEMENTARY WAGE SCALE

	<u>Per Hour</u>	<u>Per Day</u>
Glazier	\$ 1.00	\$ 8.00

Councilman Gillis introduced the following resolution and moved its adoption. The motion was seconded by Councilman Alford, and was carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller; nays, none; Councilman Wolf absent.

The Mayor declared the resolution finally adopted.

The resolution is as follows:

WHEREAS, in accordance with the requirements of the Federal Emergency Administration of Public Works and the provisions of the City Charter of the City of Austin, proposals for bids for certain service station improvements for the City of Austin under Docket-Texas-1847-2-F were received and opened December 21, 1938; and

WHEREAS, said contract was duly executed with J. M. Odom of Austin, Texas, on December 22, 1938, and approved by the Public Works Administration on March 13, 1939; and

WHEREAS, it was provided in this contract agreement that 120 calendar days were provided for completion of the work; and

WHEREAS, the contractor complying with the requirements of the City of Austin started actual construction on the project December 27, 1938, but due to the delay in securing certain materials, and in particular, overhead steel pier doors for the repair building, resulting in a delay of approximately three weeks in the construction; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT a twenty-one (21) day extension of time for completion of the project be granted to J. M. Odom, contractor on this work.

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Councilman Gillis introduced the following resolution and moved its adoption. The motion was seconded by Councilman Alford, and was carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller; nays, none; Councilman Wolf absent.

The Mayor declared the resolution finally adopted.

The resolution is as follows:

WHEREAS, Guiton Morgan, City Manager, in general charge of Public Works Administration projects, and G. S. Moore in direct charge of Docket Number Tex-2072-F, being the project for the construction of storm sewers and bridges, have reported that the contract for the widening of the 24th Street bridge at Shoal Creek has been completed by J. F. Johnson, General Contractor, in accordance with the approved plans and specifications and in compliance with the rules and regulations of the Administration of Public Works, and in an acceptable manner to the P.W.A. Inspector, and have recommended to the City Council the acceptance of the contract and the payment of the final estimate due thereon; and

WHEREAS, the City Council has inspected said contract and the works thereunder, and is of the opinion that same should be finally accepted; now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT said contract and the works thereunder is hereby accepted as completed, and the City Manager be and is hereby authorized and directed to approve the final estimates and to issue warrants in payment thereof, and that he be further authorized and directed to release the contractors from any further liability in connection with said work, and to authorize the cancellation of the bonds guaranteeing their successful completion of the contract.

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The application of Mr. Dye, owner, by M. H. Crockett, agent, for a change in the zoning, from "A" Residence District to "C" Commercial District, of Lots 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15, Block 1, Pecan Grove Addition, said property lying between Butler Road, Josephine Street, old Fredericksburg Road, and Lots 1, 2, 3, 4, and 5, Block 1, Pecan Grove Addition, was received. Councilman Bartholomew moved that the matter be referred to the Board of Adjustment for recommendation. The motion was carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; nays, none; Councilman Wolf absent.

Councilman Alford introduced the following resolution:

WHEREAS, Garrick Construction Company is the contractor for the alteration of a building located at 612 Congress Avenue and desires a portion of the sidewalk and street space abutting Lot 4, Block 70 of the Original City of Austin, Travis County, Texas, during the alteration of said building, such space to be used in the work and for the storage of materials therefor. The Contractor also desires to occupy one car space immediately in front of the above described building at such times as it is necessary to load and unload materials for the above project; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

1. THAT space for the uses hereinabove enumerated be granted to said Garrick Construction Company, the boundary of which is described as follows:

Street and Sidewalk Working Space

Beginning at the southeast corner of the above described property; thence in an easterly direction and at right angles with the centerline of Congress Avenue 4 feet to a point; thence in a northerly direction and parallel with the centerline of Congress Avenue 23 feet to a point; thence in a westerly direction and at right angles with the centerline of Congress Avenue to the northeast corner of the above described property.

2. THAT the above privileges and allotment of space are granted to the said Garrick Construction Company, hereinafter termed "Contractor," upon the following express terms and conditions:

(1) That the Contractor shall construct a solid board fence within outer boundaries of the above described space. This fence is to be not less than 6 feet high and constructed solidly of 1-inch boards.

(2) That the Contractor shall install a gate or doors in the center portion of this fence to open inwardly and shall maintain a person at all times at this gate when being used to bring in or take out materials to warn pedestrians of any hazards.

(3) That the Contractor shall remove all fences, barricades, loose materials and other obstructions on the sidewalk and street immediately after the necessity for their existence on said sidewalk or street has ceased, such time to be determined by the City Manager, and in any event all such sidewalk, barricades, materials, equipment and other obstructions shall be removed not later than May 1, 1939.

(4) That the Contractor shall place on the outside corners of any walkway, barricades or obstructions, red lights during all periods of darkness and provide lighting system for all tunnels.

(5) That the City reserves the right to revoke at any time any and all the privileges herein granted, or to require the erection or installation of additional barriers or safeguards if the conditions demand it.

(6) That the use and enjoyment of the spaces herein granted shall not be exclusive as against public needs, and the City, in making such grant reserves the right

to enter and occupy any part or all of said space any time with its public utilities, or for other necessary public purposes.

(7) That any public utility, or public or private property, disturbed or injured as a result of any of the activities necessary for the completion of the construction work for said building project, whether done by the Contractor, City forces, or public utilities, shall be replaced or repaired at the Contractor's expense.

(8) That the Contractor shall furnish the City of Austin a surety bond in the sum of Two Thousand (\$2000.00) Dollars, which shall protect, indemnify and hold harmless the City of Austin from any claims for damages to any person or property that may accrue to or be brought by any person by reason of the exercise of the privileges granted the contractor by the City of Austin and shall guarantee the replacement of all sidewalks, pavement, and all other public property and public utilities disturbed or removed during the construction work, and shall further guarantee the construction of a walkway and other safeguards during the occupancy of the space.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller; nays, none; Councilman Wolf absent.

Councilman Alford introduced the following resolution:

WHEREAS, the Southwestern Bell Telephone Company has presented to the City Council tentative maps or plans showing the proposed construction of its pole lines in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Engineer; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the Southwestern Bell Telephone Company be and the same is hereby permitted to construct its pole lines in the following streets:

(1) A telephone pole line in LAKE BOULEVARD ALLEY from Enfield Road to Poplar Street, the centerline of which pole line shall be 1 foot east of and parallel to the west line of said Lake Boulevard Alley.

(2) A telephone pole line in ENFIELD ROAD ALLEY from Lake Boulevard Alley to Schulle Avenue, the centerline of which pole line shall be 1 foot south of and parallel to the north line of said Enfield Road Alley.

(3) A telephone pole line in ASH STREET ALLEY from Lake Boulevard Alley to Hopi Trail, the centerline of which pole line shall be 1 foot south of and parallel to the north line of said Ash Street Alley.

(4) A telephone pole line in POPLAR STREET ALLEY from Scenic Avenue to Hopi Trail, the centerline of which pole line shall be 1 foot north of and parallel to the south line of said Poplar Street Alley.

(5) A telephone pole line in CHERRY STREET ALLEY from Walsh Avenue to Hopi Trail, the centerline of which pole line shall be 1 foot north of and parallel to the south line of said Cherry Street Alley.

(6) A telephone pole line in BENNETT AVENUE from East 45th Street south approximately 4 blocks, the centerline of which pole line shall be  $8\frac{1}{2}$  feet east of and parallel to the west line of said Bennett Avenue.

THAT the work and construction of said pole lines, including the excavation of the streets and the restoration and maintenance of said streets after said pole lines have been constructed, shall be under the supervision and direction of the City Manager and in accordance with the ordinances and regulations of the City of Austin governing such construction.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller; nays, none; Councilman Wolf absent.

A letter of thanks and appreciation from the Junior Chamber of Commerce for the new softball diamond in Zilker Park was received and ordered filed.

Councilman Gillis introduced the following ordinance:

AN ORDINANCE REPEALING THAT CERTAIN ORDINANCE ENTITLED, "AN ORDINANCE VACATING A PORTION OF LIVE OAK AVENUE DEDICATED TO THE CITY OF AUSTIN AS A STREET BY MRS. FANNIE M. BOGLE, PLAT RECORDED IN PLAT RECORD BOOK 3, PAGE 27, SAME BEING A SUBDIVISION BY MRS. FANNIE M. BOGLE, THE PORTION OF SAID LIVE OAK STREET HEREBY VACATED BEING CONTIGUOUS TO LOT 58, OF PLEASANT VIEW ADDITION, THAT PORTION OF SAID LIVE OAK AVENUE VACATED BEING DESCRIBED IN THE FIELD NOTES SET OUT IN THIS ORDINANCE," WHICH ORDINANCE WAS PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN NOVEMBER 3, 1938, AND IS RECORDED IN BOOK "K", PAGES 435-436, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN.

The ordinance was read the first time and Councilman Gillis moved that the rule be suspended and the ordinance be passed to its second reading. The motion was seconded by Councilman Alford, and was carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller; nays, none; Councilman Wolf absent.

The ordinance was read the second time and Councilman Gillis moved that the rule be further suspended and the ordinance be passed to its third reading. The motion was seconded by Councilman Alford, and was carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller; nays, none; Councilman Wolf absent.

The ordinance was read the third time and Councilman Gillis moved that the ordinance be finally passed. The motion was seconded by Councilman Alford, and was carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; nays, none; Councilman Wolf absent.

The following report of the Board of Adjustment was received:

"Austin, Texas  
March 22, 1939

Hon. Mayor and City Council  
Austin, Texas

Gentlemen:

Following is a copy of a resolution which was passed by the Board of Adjustment at a meeting held on March 21, 1939:

**R E S O L U T I O N .**

WHEREAS, the City Council of the City of Austin, pursuant to the terms of Section 30 of the Zoning Ordinance of the City of Austin, has referred to the Zoning Board of Adjustment for its consideration a petition of Mr. H. M. McCall requesting a change in the Use designation of Lots 1, 2, and 3, Block 1, Broadacres Subdivision, City of Austin, Texas, from "C" Commercial District to "D" Industrial District; and

WHEREAS, at a meeting held by the Board of Adjustment on March 21, 1939, there was carefully considered the change of the zoning designation of the above described property in relation to the property itself, the character of surrounding neighborhood, and the trend of development in this section of the City; and

WHEREAS, the above petition is for the change of the zoning classification of three lots in a single ownership which would leave intervening property between these lots and the adjacent streets and would thus partake of the nature of a spot zone; and

WHEREAS, this property is located in the newly acquired territory recently annexed to the City of Austin; and

WHEREAS, the City Planning Commission, after very careful study under authority from the City Council, zoned this property for commercial uses, which were deemed the most liberal classification permissible on account of its location and frontage on a major highway; and

WHEREAS, the Board of Adjustment, at a recent meeting, denied an appeal for a variation of the Zoning Ordinance to permit a lumber yard on this property; and

WHEREAS, a study of the trend of development of this section of the City indicates that this area will develop almost exclusively into residential property as a new school is being constructed close by and new subdivisions have been recently filed for the unplatted acreage in close proximity to the above property; therefore,

BE IT RESOLVED BY THE BOARD OF ADJUSTMENT:

THAT the change of the above described property from "C" Commercial District to "D" Industrial District is not recommended to the City Council for the following principal reasons:

1. That the Board does not deem it wise to, at this time, make any changes in the zoning designations of the new territory recently acquired by the City, which was zoned after careful study by the City Planning Commission and approved by the City Council.
2. That any changes should be deferred until a more definite change in the trend of development is manifested, and a definite public necessity demonstrated for any changes, rather than the interest of individual property owners.
3. That the change from "C" Commercial District to "D" Industrial District will permit the establishment of a large number of uses, which would be definitely incongruous, obnoxious, and out of harmony with the general character of this area and would have a depressing effect on land values and residential desirability of the surrounding property.
4. That an industrial and manufacturing district in this remote section of the City, so isolated from the services and sources of supplies as are commonly available to such district, appears to be incongruous and unrelated to any reasonable land use plan for the City of Austin.

Respectfully submitted,

BOARD OF ADJUSTMENT

By (Signed) H. F. Kuehne,  
Chairman. "

In accordance with published notice thereof, the public hearing on the proposal to amend the Zoning Ordinance in the following particulars was opened:

To amend the USE designation of the following described property so as to change same from "C" Commercial District to "D" Industrial District: Lots 1, 2, and 3, Block 1, Broadacres Subdivision in the City of Austin, Texas.

No one appeared to protest the proposed change in zoning.

Mr. H. M. McCall, proponent of the proposed change in zoning, submitted a petition signed by twenty-one property owners in Broadacres and adjoining districts, asking that permit be granted to the said H. M. McCall to establish a lumber yard at the above described location.

Mayor Miller moved that the zoning of the property described in the foregoing notice of hearing be not changed from "C" Commercial to "D" Industrial, but that temporary permit for a lumber yard on said property be granted to the said H. M. McCall, owner. The motion prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; nays, none; Councilman Wolf absent.

The public hearing on the proposal to change the zoning, from "B" Residence to "C" Commercial Districts, of the property located at 1803-5-7 West Sixth Street, owned by Dan P. Craddock, which was continued from the last regular meeting, was opened.

Mr. Dan P. Craddock, proponent of the proposed change, plead for same on the ground that the location was ideal for a community center, including a gasoline filling station, and submitted a petition bearing forty-nine signatures of property owners and residents in the vicinity, indorsing the proposed change in zoning. He also submitted letters from T. L. Guesnard indorsing the change and asking that his name be withdrawn from a previous petition opposing the change, and from Mrs. W. H. Rumsey, 706 East 15th Street, adjacent to the Brackenridge Service Station owned by the said Dan P. Craddock, stating that said place of business was not objectionable in anyway.

Mr. Frank Comte, property owner, protested the proposed change on the ground that it would result in an increased traffic hazard.

Mrs. May Mathews, representing her mother, Mrs. Belle Sutor, property owner,

protested the proposed change on the ground that any commercial building there would depreciate the residential value of surrounding property, and that they had invested there believing that it was strictly residential property.

Mr. V. H. Pannell, member of the Board of Adjustment, was present and asked that the matter be referred to the Board of Adjustment for reconsideration.

Mayor Miller then moved that the matter be referred to the Board of Adjustment for reconsideration. The motion prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; nays, none; Councilman Wolf absent.

Mayor Miller moved that, it having been recommended by the Chief of the Fire Department that the fire station at 1111 East First Street be moved on account of the extension of the city limits, the City Manager be instructed to advertise for bids for the sale of said fire station, and also the old Nurses Home at 1606 Red River Street, such bids to be opened by the City Council at a regular meeting thereof, the right to reject any and all bids being reserved. The motion prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; nays, none; Councilman Wolf absent.

Councilman Gillis introduced the following resolution:

WHEREAS, in Book 4, at page 36, of the Plat Records of Travis County, Texas, there appears a map or plat of a subdivision of land being a resubdivision of certain portions of the Lattimore Subdivision out of Outlots 25, 29 and 30, Division "A", of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, and upon said map or plat referred to there appears three streets, easements or passageways being thirty feet wide but which have no names shown therefor; and

WHEREAS, confusion is caused among the public records and among delivery services in general by having streets within the city limits without same's being designated by name; and

WHEREAS, the owners of the majority of said lots abutting said unnamed streets, easements or passageways have petitioned the City Council of the City of Austin to adopt names for the above mentioned streets, easements or passageways; and

WHEREAS, the City Council of the City of Austin has favorably considered the adoption of the suggested street names; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT that certain street lying between Blocks 3 and 4 of the above mentioned subdivision, a plat of which is recorded in Book 4, page 36, of the Plat Records of Travis County, Texas, be known and designated hereafter as CHERICO STREET; and

THAT that certain street, easement or passageway lying between Blocks 5 and 6 of the said subdivision be known and designated hereafter as GUNTER STREET; and

THAT that certain street, easement or passageway adjacent to the south right-of-way line of the H.&T.C. Railroad and parallel thereto be known and designated hereafter as SELLERS STREET.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; nays, none; Councilman Wolf absent.

The protest of property owners against the operation of a laundry at 19th and Rio Grande Streets came up for discussion. It was the sense of the meeting that this location being in the "C" Commercial District, permit for said laundry could not be denied, but that the owners could be required to give a written guarantee

that only non-soot-producing fuel would be used, and the matter was referred to the City Attorney to have such requirement complied with.

Councilman Gillis introduced the following resolution:

WHEREAS, Westenfield Development Company is the Contractor for the erection of a building located at 613-15-17 West 19th Street and desires a portion of the sidewalk and street space abutting the north 100 feet of Lot 10, Block 26, of the Original City of Austin, Travis County, Texas, during the erection of the building, such space to be used in the work and for the storage of materials therefor; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

1. THAT space for the uses hereinabove enumerated be granted to said Westenfield Development Company, the boundary of which is described as follows:

Street and Sidewalk Working Space

Beginning at the northwest corner of the above described property; thence in a westerly direction and at right angles with the centerline of Rio Grande Street to a point 4 feet east of the east curb line; thence in a southerly direction and parallel with the centerline of Rio Grande Street 100 feet to a point; thence in an easterly direction and at right angles with the centerline of Rio Grande Street to the southwest corner of the above described property.

2. THAT the above privileges and allotment of space are granted to the said Westenfield Development Company, hereinafter termed "Contractor," upon the following express terms and conditions:

(1) That the Contractor shall construct a guard rail within the boundary line along the north, west and south lines of the above described space, such guard rail to be at least 4 feet high and substantially braced and anchored.

(2) That the Contractor is permitted to construct in his working space a substantial gate which shall be kept closed at all times when not in use, and at all times that such gate is open, the Contractor shall maintain a person at this gate to warn pedestrians and vehicles of approaching trucks. This gate is not to open out so as to impede vehicular or pedestrian traffic.

(3) That no vehicles in loading or unloading material at the working space shall park on any part of the street outside of the allotted working space.

(4) That the Contractor is permitted to construct a temporary work office within such allotted working space provided such work office is not within 25 feet of any corner street intersection.

(5) That the Contractor shall in no way obstruct any fire plugs or other public utilities in the construction of such barricades.

(6) That provisions shall be made for the normal flow of all storm waters in the gutter and the Contractor will be responsible for any damage done due to obstruction of any such storm water.

(7) That the Contractor shall place on the outside corners of any walkway barricades or obstructions red lights during all periods of darkness and provide lighting system for all tunnels.

(8) That the Contractor shall remove all fences, barricades, loose materials and other obstructions on the sidewalk and street immediately after the necessity for their existence on said sidewalk or street has ceased, such time to be determined by the City Manager, and in any event all such sidewalk, barricades, materials, equipment and other obstructions shall be removed not later than July 1, 1939.

(9) That the City reserves the right to revoke at any time any and all the privileges herein granted, or to require the erection or installation of additional

barriers or safeguards if the conditions demand it.

(10) That the use and enjoyment of the spaces herein granted shall not be exclusive as against public needs, and the City, in making such grant reserves the right to enter and occupy any part or all of said space any time with its public utilities, or for other necessary public purposes.

(11) That any public utility, or public or private property, disturbed or injured as a result of any of the activities necessary for the completion of the construction work for said building project, whether done by the Contractor, City forces, or public utilities, shall be replaced or repaired at the Contractor's expense.

(12) That the Contractor shall furnish the City of Austin a surety bond in the sum of One Thousand Dollars (\$1000.00), which shall protect, indemnify and hold harmless the City of Austin from any claims for damages to any person or property that may accrue to or be brought by any person by reason of the exercise of the privileges granted the Contractor by the City of Austin and shall guarantee the replacement of all sidewalks, pavement, and all other public property and public utilities disturbed or removed during the construction work, and shall further guarantee the construction of a walkway and other safeguards during the occupancy of the space.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller; nays, none; Councilman Wolf absent.

Mayor Miller introduced the following resolution:

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT Councilmen Chas. F. Alford and Councilman Simon Gillis be and they are hereby appointed as a committee to canvass the returns of the election held in the City of Austin, Texas, on April 3, 1939, for the purpose of electing five Councilmen of the City of Austin, and they are hereby instructed to report to the City Council the result of such canvass.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller; nays, none; Councilman Wolf absent.

Councilman Bartholomew moved that all activities of the City Government, where possible to do so, be suspended at noon on Good Friday, April 7, in order that the city employees may be granted a half holiday. The motion carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller; nays, none; Councilman Wolf absent.

Councilman Alford introduced the following resolution:

WHEREAS, by virtue of an election held in the City of Austin, Texas, on the 3rd day of April, 1939, for the purpose of electing five Councilmen, the official returns from the election officials certify and show, and thereafter a canvass of said returns by the Committee appointed by the City Council to canvass said returns also show, that there were cast at said election a total of 9544 votes; and

WHEREAS, said returns, and the canvass thereof, also show that the following named persons severally received the total votes set opposite their names, respectively, to wit:

Chas. F. Alford	received	5694 votes
C. M. Bartholomew	received	6349 votes
Simon Gillis	received	7315 votes
Will T. Johnson	received	3305 votes
Adolph Kohn, Jr.	received	2602 votes
L. J. Luedecke	received	2827 votes
Tom Miller	received	6179 votes
Emmett Shelton	received	3002 votes
Ben White	received	2828 votes
Oswald G. Wolf	received	5686 votes

Total Vote cast at election - - - - 9544 ; and

WHEREAS, it appears that Chas. F. Alford, C. M. Bartholomew, Simon Gillis, Tom Miller, and Oswald G. Wolf have received the highest number of votes cast for councilmen at said election; now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT in accordance with said returns, as received and canvassed, the following named persons are hereby declared duly elected, and authorized to qualify for the positions of councilmen for the City of Austin, for the term of two years, beginning May 1, 1939:

Chas. F. Alford  
C. M. Bartholomew  
Simon Gillis  
Tom Miller  
Oswald G. Wolf

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; nays, none; Councilman Wolf absent.

Councilman Bartholomew introduced the following resolution, which was unanimously adopted by a rising vote of the Council; Councilman Wolf being absent:

"Speaking for myself and for the other members of the City Council, for whom I feel privileged to speak, we feel deeply grateful to the people of this City who have returned us to our positions as Councilmen by such a splendid vote, which to me, and to each of the other Councilmen, I think, assures us that they are appreciative of our efforts in the past to serve them.

"We are deeply grateful for that expression of their confidence, and we assure them now that our efforts will be constantly directed in the direction that we hope will enable our City to grow and prosper and be the best city in the country in which a man can live. "

The following resolution was introduced:

WHEREAS, on January 1, 1938, the Insurers Indemnity and Insurance Company, of Tulsa, Oklahoma, had on deposit in the Secretary of State's office, City of Houston Hospital Bonds and Houston Independent School District Bonds in the sum of \$52,000; and

WHEREAS, the Tax Assessor of the City of Austin duly levied taxes against same, the assessable value thereof being placed at \$34,665, the total taxes for the year 1938 amounting to \$779.96; and

WHEREAS, said Insurers Indemnity and Insurance Company removed said bonds from the custody of the State Treasurer of Texas on June 1, 1938, and deposited same at the home office of said Company in Tulsa, Oklahoma, and paid taxes on said bonds in Tulsa County for the entire year 1938; and

WHEREAS, said Insurers Indemnity and Insurance Company has paid its gross receipt tax to the State of Texas for the entire year of 1938, and is now doing business in said State under a permit duly issued it under the law; and

WHEREAS, said Insurers Indemnity and Insurance Company has contended and now contends that under the circumstances of the case it is not liable to the State of Texas for the payment of the aforesaid taxes which have been assessed against it; and

WHEREAS, Mr. Shelby H. Green, Executive Vice-President of said Company, recently appeared before the City Council in connection with said matter, and also at a conference with the City Attorney, and after having gone into said matter fully on his return to Tulsa, said Company submitted a proposition to pay 50% of the assessment, to wit, \$389.98, in full settlement of the taxes; and

WHEREAS, the City Council is of the opinion that said proposition is just, fair and equitable, and in view of all the facts, should be accepted; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the Tax Assessor is authorized and directed to accept said sum of \$389.98 in full settlement of said taxes, and on the receipt of same to send said Insurers Indemnity and Insurance Company a receipt showing that it has fully paid its 1938 taxes.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller; nays, none; Councilman Wolf absent.

The following resolution was introduced:

WHEREAS, City of Austin taxes were assessed in the name of Mrs. Jimmie E. Matthews for the years 1930-1934, inclusive, and 1936, on Lot 16, Country Club Lawns, in the City of Austin, Travis County, Texas, said taxes being in the sum of \$78.75; and for non-payment of said taxes at maturity, penalty in the sum of \$3.93 has been assessed, and interest in the sum of \$25.25; and

WHEREAS, the City Council of the City of Austin deems it just and equitable to remit said penalty in the sum of \$3.92, and two-thirds of the interest in the sum of \$16.85; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the aforesaid penalty in the sum of \$3.93, and two-thirds of the interest in the sum of \$16.85, are hereby remitted, and the Tax Assessor and Collector of the City of Austin is authorized and directed to charge said penalty in the sum of \$3.93, and two-thirds of the interest in the sum of \$16.85, off his rolls and to issue to the party entitled to receive same a receipt in full on the payment of said taxes and one-third of the interest, as aforesaid.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller; nays, none; Councilman Wolf absent.

The following resolution was introduced:

WHEREAS, City of Austin taxes were assessed in the name of Cleo Warren for the years 1934-1937, inclusive, on Lots 1 and 2, Block 6, Outlet 35, Division "B", in the City of Austin, Travis County, Texas, said taxes being in the sum of \$84.82; and for non-payment of said taxes at maturity, penalty in the sum of \$4.24 has been assessed, and interest in the sum of \$12.62, making the total amount of taxes, penalty and interest \$101.68; and

WHEREAS, the City Council of the City of Austin deems it just and equitable to remit said penalty in the sum of \$4.24, and one-half of the interest in the sum of \$6.31; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the aforesaid penalty in the sum of \$4.24, and one-half of the interest in the sum of \$6.31, are hereby remitted, and the Tax Assessor and Collector of the City of Austin is authorized and directed to charge said penalty in the sum of \$4.24, and one-half the interest in the sum of \$6.31, off his rolls and to issue to the party

entitled to receive same a receipt in full on the payment of said taxes and one-half the interest as aforesaid.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller; nays, none; Councilman Wolf absent.

The following resolution was introduced:

WHEREAS, City of Austin taxes were assessed in the name of Eugene Love for the years 1936 and 1937 on Lot 7, Block 18, Outlots 8 and 9, and 62, of Division "B", Grandview Place, in the City of Austin, Travis County, Texas, said taxes being in the sum of \$20.46; and for non-payment of said taxes at maturity, penalty in the sum of \$1.02 has been assessed, and interest in the sum of \$1.74, making the total amount of taxes, penalty and interest \$23.22; and

WHEREAS, the City Council of the City of Austin deems it just and equitable to remit said penalty in the sum of \$1.02, and one-half of the interest in the sum of \$.87; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the aforesaid penalty in the sum of \$1.02, and one-half of the interest in the sum of \$.87, are hereby remitted, and the Tax Assessor and Collector of the City of Austin is authorized and directed to charge said penalty in the sum of \$1.02, and one-half of the interest in the sum of \$.87, off his rolls and to issue to the party entitled to receive same a receipt in full on the payment of said taxes and one-half of the interest, as aforesaid.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller; nays, none; Councilman Wolf absent.

The following resolution was introduced:

WHEREAS, City of Austin taxes were assessed in the name of C. B. Sullivan for the years 1934-1937, inclusive, on Lot 4, Block 6, Edgemont, in the City of Austin, Travis County, Texas; said taxes being in the sum of \$364.96, and for non-payment of said taxes at maturity, penalty in the sum of \$18.24 has been assessed, and interest in the sum of \$54.50, making the total amount of taxes, penalty and interest \$437.70; and

WHEREAS, the City Council of the City of Austin deems it just and equitable to remit said penalty in the sum of \$18.24, and one-half of the interest in the sum of \$27.25; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the aforesaid penalty in the sum of \$18.24, and one-half of the interest in the sum of \$27.25, are hereby remitted, and the Tax Assessor and Collector of the City of Austin is authorized and directed to charge said penalty in the sum of \$18.24, and one-half the interest in the sum of \$27.25, off his rolls and to issue to the party entitled to receive same a receipt in full on the payment of said taxes and one-half the interest, as aforesaid.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller; nays, none; Councilman Wolf absent.

Upon motion, seconded and carried, the meeting was recessed at 11:45 A. M., subject to call of the Mayor.

Approved: Tom Miller  
Mayor

Attest:  
Walter Miller City Clerk